

AMENDED IN SENATE JANUARY 4, 2006

SENATE BILL

No. 1032

Introduced by Senator Hollingsworth

February 22, 2005

An act to amend ~~Section 4334~~ of Sections 331 and 332 of, and to amend, repeal, and add Section 4334 of, the Fish and Game Code, relating to hunting, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1032, as amended, Hollingsworth. ~~Deer~~ Antelope, elk, and deer hunting.

(1) Existing law authorizes a resident of the state to obtain a license tag for the taking of antelope or elk if certain requirements are met.

This bill would authorize any person, without regard to residency, to obtain either license tag if those requirements are met.

(2) Existing law requires the Fish and Game Commission to annually direct the Department of Fish and Game to authorize the sale, by auction or other method, of not more than 10 deer license tags to raise funds for programs and projects to benefit deer. Existing law continuously appropriates funds derived from the sale of these license tags to the department for a deer herd management program.

This bill would increase the number of deer license tags authorized to be sold to 100, thereby making an appropriation by increasing the amount of money that is derived from the sale of these tags and, thereafter, continuously appropriated to the department. The bill would require the department to authorize specified nonprofit conservation organizations to sell the license tags. The bill would make an appropriation by expanding the purposes for which these continuously appropriated funds may be expended to include the

reimbursement of those nonprofit conservation organizations for their actual costs incurred in connection with the sale of the license tags.

The bill would require the commission to annually direct the Al Taucher's Preserving Hunting and Sport Fishing Opportunities Advisory Committee to make certain recommendations regarding deer license tags.

The bill's provisions would become operative on January 1, 2008.

~~Existing law requires the Fish and Game Commission to direct the Fish and Game Department to authorize the sale of not more than 10 deer license tags solely for the purpose of raising funds for programs and projects to benefit deer. Existing law requires the department to use all funds derived from the sale of these tags to be used for the Deer Herd Management Plan Implementation Program, as provided.~~

~~This bill would allow the department to also use the funds derived from the sale of the tags for other programs or projects to benefit deer.~~

~~Existing law continuously appropriates funds derived from the sale of deer license tags to the Department of Fish and Game to be used for the Deer Herd Management Program.~~

~~Because this bill would make this money available for use for a new purpose, it would make an appropriation.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 331 of the Fish and Game Code is*
2 *amended to read:*

3 331. (a) The commission may determine and fix the area or
4 areas, the seasons and hours, the bag and possession limit, and
5 the sex and total number of antelope (*Antilocapra americana*) that
6 may be taken under regulations which the commission may adopt
7 from time to time. ~~Only a resident of the State of California~~
8 *person* possessing a valid hunting license, who has not received
9 an antelope license tag under these provisions during a period of
10 time specified by the commission, may obtain a license tag for
11 the taking of antelope.

12 (b) A license tag may be issued upon payment of a fee of
13 fifty-five dollars (\$55), as adjusted under Section 713. The fee
14 shall be deposited in the Fish and Game Preservation Fund and
15 shall be expended, in addition to money budgeted for salaries of

1 persons in the department, for the expense of implementing this
2 section.

3 (c) The commission shall direct the department to annually
4 authorize not less than one antelope tag or more than 1 percent of
5 the total number of tags available for the purpose of raising funds
6 for programs and projects to benefit antelope. These tags may be
7 sold at auction to residents or nonresidents of the ~~State of~~
8 ~~California~~ *state* or by another method and are not subject to the
9 fee limitation prescribed in subdivision (b).

10 *SEC. 2. Section 332 of the Fish and Game Code is amended*
11 *to read:*

12 332. (a) The commission may determine and fix the area or
13 areas, the seasons and hours, the bag and possession limit, and
14 the number of elk that may be taken under rules and regulations
15 which the commission may adopt from time to time. The
16 commission may authorize the taking of tule elk if the average of
17 the department's statewide tule elk population estimates exceeds
18 2,000 animals, or the Legislature determines, pursuant to the
19 reports required by Section 3951, that suitable areas cannot be
20 found in ~~California~~ *the state* to accommodate that population in a
21 healthy condition.

22 (b) Only a ~~resident of the State of California~~ *person* possessing
23 a valid hunting license may obtain a license tag for the taking of
24 elk.

25 (c) The department may issue an elk license tag upon payment
26 of a fee of one hundred sixty-five dollars (\$165), as adjusted
27 under Section 713. The fees shall be deposited in the Fish and
28 Game Preservation Fund and shall be expended, in addition to
29 money budgeted for salaries of the department, for the expense of
30 implementing this section and Section 3951.

31 (d) The commission shall annually direct the department to
32 authorize not more than three elk hunting license tags for the
33 purpose of raising funds for programs and projects to benefit elk.
34 These license tags may be sold at auction to residents or
35 nonresidents of the ~~State of California~~ *state* or by other method
36 and are not subject to the fee limitation prescribed in subdivision
37 (c).

38 *SEC. 3. Section 4334 of the Fish and Game Code is amended*
39 *to read:*

1 4334. (a) (1) The commission shall annually direct the
2 department to authorize, pursuant to ~~Sections 1054.6 and Section~~
3 1054.8, the sale of not more than 10 deer license tags solely for
4 the purpose of raising funds for programs and projects to benefit
5 deer. These tags may be sold to residents or nonresidents of the
6 ~~State of California~~ state at auction or by any other method and
7 are not subject to the fees prescribed by Section 4332.
8 ~~Notwithstanding~~

9 (2) ~~Notwithstanding~~ Section 13340 of the Government Code,
10 all funds derived from the sale of these tags ~~is~~ are hereby
11 continuously appropriated, *without regard to fiscal years*, to the
12 department ~~to be used for the Deer Herd Management Plan~~
13 ~~Implementation Program~~ to implement Chapter 5 (commencing
14 with Section 450) of Division 1. These funds shall augment, not
15 supplant, any other funds appropriated to the department for the
16 preservation, restoration, utilization, and management of deer.
17 All revenues derived from the sale of these tags shall be remitted
18 to the department by the seller.

19 (b) *This section shall remain in effect only until January 1,*
20 *2008, and as of that date is repealed, unless a later enacted*
21 *statute, that is enacted before January 1, 2008, deletes or extends*
22 *that date.*

23 SEC. 4. Section 4334 is added to the Fish and Game Code, to
24 read:

25 4334. (a) *The commission shall annually direct the*
26 *department to authorize, pursuant to Section 1054.8, the sale of*
27 *not more than 100 deer license tags solely for the purpose of*
28 *raising funds for programs and projects to benefit deer. The*
29 *department shall authorize nonprofit conservation organizations*
30 *whose mission includes conservation of deer and other wildlife to*
31 *sell these tags to residents or nonresidents of the state at auction*
32 *or by any other method and are not subject to the fees prescribed*
33 *by Section 4332. The seller shall remit revenues derived from the*
34 *sale of these tags to the department.*

35 (b) *Notwithstanding Section 13340 of the Government Code,*
36 *funds derived from the sale of these tags are continuously*
37 *appropriated, without regard to fiscal years, to the department*
38 *for both of the following purposes:*

39 (1) *To implement Chapter 5 (commencing with Section 450) of*
40 *Division 1. These funds shall augment, not supplant, any other*

funds appropriated to the department for the preservation, restoration, utilization, and management of deer.

(2) To reimburse the nonprofit conservation organizations who sell the tags for their actual costs incurred in connection with the sale.

(c) The commission shall annually direct the Al Taucher's Preserving Hunting and Sport Fishing Opportunities Advisory Committee to make recommendations to the department that include, but need not be limited to, all of the following matters:

(1) Method of sale for each deer license tag by auction, raffle, sealed bid, or otherwise.

(2) Method of allocating deer license tags to qualified nonprofit conservation organizations.

(3) Deer license tag zones.

(4) Special hunting and fishing season dates.

(5) Allocation of funds derived pursuant to subdivision (a).

(d) For the purpose of determining the number of deer license tags authorized to be sold pursuant to this section, the department shall utilize the best available scientific data.

(e) The implementation of this section shall not cause an increase in the annual allocation of deer license tags.

(f) This section shall become operative on January 1, 2008.

~~SECTION 1. Section 4334 of the Fish and Game Code is amended to read:~~

~~4334. The commission shall annually direct the department to authorize, pursuant to Sections 1054.6 and 1054.8, the sale of not more than 10 deer license tags solely for the purpose of raising funds for programs and projects to benefit deer. These tags may be sold to residents or nonresidents of the State of California at auction or by any other method and are not subject to the fees prescribed by Section 4332. Notwithstanding Section 13340 of the Government Code, all funds derived from the sale of these tags is hereby continuously appropriated to the department to be used for the Deer Herd Management Plan Implementation Program or other programs or projects to benefit deer. These funds shall augment, not supplant, any other funds appropriated to the department for the preservation, restoration, utilization,~~

- 1 ~~and management of deer. All revenues derived from the sale of~~
- 2 ~~these tags shall be remitted to the department by the seller.~~

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